

Report to the Los Angeles County District Attorney
concerning two Brown Act violations by the Central
City East Association

February 24, 2018

Contents¹

1	Synopsis	3
2	Background	3
3	Facts	3
4	Conclusion	4
5	Requested action	4
6	Exhibits	5
6.1	Exhibit 1 – February 22, 2018 – CCEA Board Meeting Agenda	6

¹Note that [blue text](#) indicates clickable links internal to this document whereas [green text](#) indicates clickable links to resources on the Internet.

1 Synopsis

1. At an open public meeting on Thursday, February 22, 2018, the board of directors of the Central City East Association, which is subject to the Brown Act, took action on one item which was not mentioned on the agenda and discussed another item, also not mentioned on the agenda, thus violating the Brown Act.

2 Background

2. Business improvement districts (“BIDs”) are a form of temporary special assessment district in California. They are authorized and regulated by the [Property and Business Improvement District Act of 1994](#)² (“PBID law”).
3. The PBID law at [§36612](#) requires BIDs to be administered by private non-profit corporations, known as “owners’ associations.” The law explicitly makes owners’ associations subject to the Brown Act:

...an owners’ association shall comply with the Ralph M. Brown Act ... at all times when matters within the subject matter of the district are heard, discussed, or deliberated ...

4. The Central City East Association (“CCEA”) is the owners association that administers the Downtown Industrial District BID. It’s therefore made subject to the Brown Act by the PBID law.
5. Estela Lopez is the executive director of the CCEA. Mark Shinbane is the president of the Board of Directors. Bob Smiland is a member of the Board of Directors.

3 Facts

6. The Central City East Association Board of Directors held a regular public meeting on February 22, 2018. I attended the meeting and recorded the whole thing. The recording is available on YouTube at: <https://www.youtube.com/watch?v=TwbBM92GCW0>.
7. In this meeting Estela Lopez told the Board that they needed to amend a contract. A director whose name I don’t know made a motion that the contract be amended. Mark Shinbane seconded it, and the Board voted on the motion and passed it unanimously. This occurred at about 1:08:29, which is at <https://www.youtube.com/watch?v=TwbBM92GCW0&t=4109>
8. Later in the meeting, director Bob Smiland proposed that the Board think about promoting their district economically and politically and talked for a while about tourist brochures. Mark Shinbane joined in and explained that they’d had a study done on the matter. This occurred at about 1:12:10, which is at

² California Streets and Highways Code §36600 et seq.

<https://www.youtube.com/watch?v=TwbBM92GCW0&t=4329>

9. Neither of the subjects described in paragraphs 7 and 8 appears on the posted agenda. The agenda is [Exhibit 1](#) on page 6.

4 Conclusion

10. The facts described in [Section 3](#) above constitute a violation of the Brown Act at [§54954.2\(a\)\(3\)](#), which states:

No action or discussion shall be undertaken on any item not appearing on the posted agenda.

5 Requested action

11. I ask the Los Angeles County District Attorney to investigate whether these actions constitute a violation of the Brown Act on the part of the Central City East Association Board of Directors and, if they do, to see that they are held responsible for their actions and warned not to violate the law in the future.

6 Exhibits

6.1 Exhibit 1 – February 22, 2018 – CCEA Board Meeting Agenda

Los Angeles Downtown Industrial Business Improvement District



DOWNTOWN INDUSTRIAL DISTRICT BID BOARD OF DIRECTORS MEETING AGENDA 725 S. Crocker Street, Los Angeles 90021 February 22, 2018 10 a.m.

1. **Call to Order- Welcome & Introductions**

Shinbane

2. **Public Comment**

This opportunity is reserved for any public comments to the Board pursuant to the Brown Act with the understanding that no action may be taken, nor discussion conducted on non-agenda subjects. It is the Board's policy that persons in the audience may address this Board in connection with any non-agenda item during the public comment period. As provided by the Brown Act, the Board has limited each individual's speaking time to two minutes. Speaking time can be reduced at the discretion of the Board Chair. Members of the public desiring to speak during the public comment period are requested to complete a speaker card and submit it to the Chair prior to the start of the meeting.

3. **Approval of the Minutes of December 18, 2017**

4. **City Representatives**

- Council District 14 Downtown Director Joella Hopkins
- LAPD Deputy Chief Robert Arcos

5. **West Santa Ana Branch Transit Corridor Update**

METRO

6. **Public Safety & Maintenance Reports**

**Allied Universal /
Chrysalis**

7. **Treasurer's Report**

Coelho

8. **Executive Director's Report**

Lopez

9. **Adjournment**

As a covered entity under Title II of the Americans with Disabilities Act, the Central City East Association does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assisted listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72-hours) prior to the meeting by contacting (213) 228-8484.

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